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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JUAN DANIEL ZARCO,

11 Plaintiff,

No. CIV S-01-0203 FCD EFB P

12 vs.

13 McQUEEN, et al.

14 Defendants.

FINDINGS AND RECOMMENDATIONS

15 _____/
16 On September 27, 2006, the court dismissed plaintiff's complaint for failure to comply
17 with the Federal Rules of Civil Procedure. The order explained the complaint's deficiencies and
18 gave plaintiff 30 days leave to file an amended complaint. That order also warned plaintiff that
19 his failure to file an amended complaint would result in a recommendation that this action be
20 dismissed without prejudice.

21 The 30-day period has expired and plaintiff has not filed an amended complaint or
22 otherwise responded to the order.

23 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
24 prejudice. *See* Fed. R. Civ. P. 41(b).

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days

1 after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 Dated: November 20, 2006.

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9 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE